

CRM-M-19988-2020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-19988-2020

Date of Decision: August 7th, 2020

Arun Kumar

...Petitioner

Versus

State of U.T. Chandigarh

...Respondent

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present Mr. Shrey Vasudev Advocate
for the petitioner.

Mr. A.M. Punchhi, Senior Standing Counsel with
Mr. Anupam Bansal, Advocate
for the respondent – U.T. Chandigarh.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Petitioner has approached this Court for grant of regular bail by filing this petition under Section 439 of the Code of Criminal Procedure, 1973, in FIR No.158, dated 22.06.2019, registered at Police Station Sector 34, Chandigarh, under Sections 392, 411 read with Section 34 of the Indian Penal Code.

It is the contention of the learned counsel for the petitioner that the petitioner is in custody since 22.06.2019. His assertion is that the star witness of the prosecution i.e. complainant has not supported the case of the prosecution. He has referred to the statement of Sham Sunder Singh – complainant PW-2 (Annexure P-2) to substantiate his contention that the only recovery which has been effected from the petitioner being Aadhar Card has been denied to have been stolen from the complainant, rather he

states that the said Aadhar Card was taken in possession by the police from him. He, therefore, contends that the petitioner be granted the concession of regular bail as he is in custody from a very long time and because of the prevailing pandemic, the case is not likely to conclude in near future.

Learned senior standing counsel for U.T., Chandigarh could not dispute the statement of the complainant as recorded, which is appended as Annexure P-2. He, however, contends that there are two other cases registered against the petitioner apart from the present one. He, therefore, prays that the concession of bail, as prayed for by the petitioner, be not granted to him.

Having considered the submissions made by the learned counsel for the parties and keeping in view the custody period of the petitioner, which is more than one year and the fact that the complainant has turned hostile as also the fact that the trial is not likely to conclude in near, this criminal miscellaneous petition is allowed. Petitioner is ordered to be released on bail subject to his furnishing bail and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate, Chandigarh.

Any observation made herein-above shall have no bearing on the merits of the case during the trial in any manner.

August 7th, 2020
Harish

(AUGUSTINE GEORGE MASIH)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No